

Bay Delta Conservation Plan (BDCP)

Background: On April 30, Governor Brown [issued a public announcement](#) regarding a shift in the permitting approach for the Bay Delta Conservation Plan. The California Department of Water Resources (DWR) will pursue an Endangered Species Act Section 7 consultation for the construction and operation of a new water conveyance facility (the tunnels) and no longer pursue a 50-year Habitat Conservation Plan (HCP). Some of the restoration aspects from the original plan will be pursued by the State in a separate process. EPA has been engaged for many years, and has submitted comments on multiple Administrative Drafts and the public Draft Environmental Impact Statement since 2012. In our comments, EPA raised concerns that were also raised by other federal and local agencies, as well as independent science review panels, focusing on water quality and habitat restoration. We continue to participate regularly in the National Environmental Policy Act (NEPA) process as a cooperating agency. DWR and the Bureau of Reclamation are currently preparing a Supplemental/Revised Recirculated DEIS/DEIR for the newly defined project. We have provided feedback on administrative drafts under extremely short turnaround times. The document is expected to be released for public review this summer.

Timeline:

2011: EPA reviewed and commented on several sections of the Administrative Draft EIS. The Administrative Draft addressed the 50-year HCP.

April 16, 2012: EPA submitted comments on the Administrative Draft EIS.

July 3, 2013: EPA submitted comments on the second Administrative DEIS.

August 26, 2014: EPA submitted comments, without a rating, on the Draft EIS since the lead federal agencies committed to issue a Supplemental Draft EIS. EPA will issue the rating on the Supplemental Draft EIS.

Fall 2014 to present: EPA has been working with lead federal agencies (NMFS, FWS, BOR) and the CA DWR, to resolve technical issues we have raised. There has been active and productive dialogue between EPA and the federal and state lead agencies at the staff, manager, and executive levels.

February 2015: We learned that the CA DWR was considering changing direction of BDCP, to focus on the construction and operation of tunnels without the 50-year HCP.

April 20, 2015: Governor announced “new direction.” The Corps is now actively engaged with the federal lead agencies in the development of the Supplemental Draft EIS.

July/August 2015: Anticipated Supplemental Draft EIS to be released for public review. We anticipate a review period of approximately 60 days and will issue our rating at the close of the comment period. The Corps has agreed to use the Supplemental Draft EIS to support its CWA 404 permit, to the extent possible.

February 2016: Anticipated Supplemental Final EIS to be released for public review.

Summer 2016: Anticipated issuance of Biological Opinion by NMFS and FWS.

TBD: Corps to issue CWA 404 and 408 permits.